

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5493 of 2022

Arising Out of PS. Case No.-464 Year-2021 Thana- HARSIDHI District- East Champaran

Noor Hasan Khan, Son of Chhotan Khan, Resident of Village- Dariyapur,
P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Harsidhi P.S. Case No. 464 of 2021 for the offences punishable under Sections 279, 337, 338, 307 of the Indian Penal Code and Sections 3/4/5 of the Explosive Substance Act.

The present F.I.R. has been instituted by the Chowkidar, Devlal Paswan, who allegedly stated that on 01.12.2021, he received an information that two motorcycles were collided due to which one person, who was on the Apache



Motorcycle and two persons, who were on Pulsar motorcycle, had received injuries. It is also alleged that at the time of collision of the motorcycle, a bomb like substance was also exploded. It is also alleged that the villagers suspected that Apache rider was carrying the bomb, due to which the motorcycle shattered.

It is submitted by the learned counsel appearing on behalf of the petitioner that it is a case of rash and negligent driving and no mens rea whatsoever is involved in the present case. It is further submitted that the petitioner himself is the victim of the said blast and neither he was the rider of the said motorcycle nor he was carrying any explosive substance in the motorcycle. It is next submitted that except the allegation, there is no other incriminating material which suggests the complicity of this petitioner and moreover from the place of occurrence some small stones, papers and ropes have been recovered, which cannot be said to be the part of the explosive substance. It is further submitted that the petitioner is in custody since 06.12.2021 having fair antecedent and moreover the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand learned APP for the State opposes



the bail application.

Having considered the submissions made on behalf of the parties and after going through the F.I.R. it appears that this is a case of rash and negligent driving and moreover it is not clear from the F.I.R. that as to how the explosion was taken place and who was carrying the explosive substance, inasmuch as this petitioner is in custody since 06.12.2021 having fair antecedent, apart from the fact that investigation of the crime has already completed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 464 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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